

### **THE OFFICE ACTION**

In the FINAL Office Action issued on March 24, 2005, the Examiner rejected claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over the article *Quantum Pillar Structures on n+ Gallium Arsenide Fabricated Using "Natural" Lithography*, Green et al., Appl. Phys. Lett. 62, January 1993 ("Green") in view of the article *Nanostructure Array Fabrication With a Size-controllable Natural Lithography*, Haginoya et al., Appl. Phys. Lett 71, November 1997 ("Haginoya. Further, claims 11-13, 15 and 17-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Green in view of Haginoya and further in view of U.S. Patent No. 6,153,010 to Kiyoku et al. ("Kiyoku"). The rejections were maintained in an Advisory Action Before the Filing of an Appeal Brief issued on June 1, 2005. Claims 21-23 were allowed and claim 24 was withdrawn from consideration. Claims 10, 14 and 16 were indicated as containing allowable subject matter.

### **REMARKS**

Applicants have carefully considered the Advisory Action issued on June 1, 2005. Applicants respectfully request reconsideration of the application in light of the above amendments and the following comments. Claims 2-10, 17-23, and 25-26 are pending in the application.

#### **A. The Present Claims are Patentable Over the Cited Art**

Claims 2-10, and 17-20 have been amended to now depend from claim 21, which the Examiner previously indicated as allowed. Thus, Applicants submit that these claims are now allowable. New claims 25 and 26 correspond to previous claims 14 and 16, which the Examiner indicated contained allowable subject matter. These new claims contain all the limitations of previous claims 11 and 1 with the added limitations of previous claims 14 and 16.

#### **B. The Cancelled Claims**

Applicant has cancelled claims 1 and 24, without prejudice. Applicant reserves the right to resubmit these claims, or claims of like scope, in a continuation application.

**CONCLUSION**

In view of the foregoing comments, Applicants submit that claims 2-10, 17-23, and 25-26 are in condition for allowance. Applicants respectfully request early notification of such allowance. Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned to attempt to resolve any such issues.

If any fee is due in conjunction with the filing of this response, Applicants authorize deduction of that fee from Deposit Account 06-0308.

Respectfully submitted,

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